

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-389

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

Thomas Pennel)
Appellant,)
)
v.)
)
City of Haverhill and Richard Osborne)
Appellees)
)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR, Section 903.2.1 of the Massachusetts State Building Code ("MSBC") for the property of 25 Computer Drive, Haverhill, MA 01830. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on March 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant, Thomas Pennel. Also present were Richard Borden, Richard Osborn, Kurt Ruchala, Les Godili, George Blaxter, and Bob Carasitti.

Decision: Following testimony, and based upon relevant information provided, Board members voted as indicated below.

☐..... Granted

☐..... Denied

☐..... Rendered Interpretation

XXX.....Granted with conditions (see below)

☐..... Dismissed

The vote was:

XXX.....Unanimous

☐..... Majority

Reasons for Variance:

Testimony was presented relative to a variance request on 780 CMR 903.2.1 as it pertains to fire protection of bulk merchandise in rack storage for Lowes Stores. Several rack storage arrangements for different materials were reviewed including: sheet insulation, carpeting, flammable liquids, and pool chemicals. Testimony was presented on the effectiveness of these fire protection systems which has been substantiated by full scale tests. In general these fire protection systems exceed the requirements of the 6th edition of 780 CMR.

A motion was made by Keith Hoyle to grant the variance to 903.2.1 based on the fact that all parties present at the hearing were in agreement. The motion was made with these conditions:

- 1) The separation distance between the commodities be maintained (about 20') to simulate the distances used in the full scale tests
- 2) Deflector distances be maintained to simulate the distances used in the full scale test
- 3) Commodities being protected cannot be moved unless the Appellant provides the required alternative fire protection system and notify the appropriate fire and building officials of the move.

It was noted that the separation distance for the display modules is excluded from the separation requirement of this variance because they are classified as a different fire hazard.

The motion was seconded by Sandy MacLeod and was voted unanimously in favor, by all three board members.

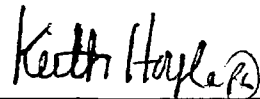
The following members voted in the above manner



Chairman -Harry Smith



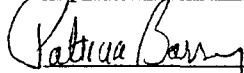
Alexander MacLeod



Keith Hoyle

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: September 26, 2007


Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.